

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Priscilla A. Ferreri,

Complainant,

vs.

Verizon California, Inc.,

Defendant.

(ECP)

Case 02-03-024

(Filed March 12, 2002)

Priscilla A. Ferreri, for herself.

Rhonda Weitzman, for defendant.

ORDER GRANTING RELIEF

Complainant is a residential telephone customer of Verizon. Her complaint alleges that Verizon charged her for calls she did not make. Verizon asserts that her telephone bill was accurate. A public hearing was held on May 3, 2002.

Complainant testified that her billing statement for October and November 2001 had charges for an unknown toll-telephone number. On October 8, 2001, the phone number (909) 372-9093 was listed on her statement for the first time. She was billed \$40.23 for October and \$177.81 for November due to that number. She states she had never used that number nor authorized its use and seeks to

have those two payments canceled. She paid the \$40.23 and has deposited \$177.81 with the Commission.

She said that Verizon informed her that (909) 372-9093 was a computer internet accessing number and advised her to contact America Online (AOL), her internet provider. She said she has had the same internet access numbers (all being non-toll) for years. Verizon told her that AOL may have used that number as a routing system to connect her if her accessing to the internet was done at peak times. She called AOL, who informed her that they only used the approved numbers that she had given permission to use and would not ever use a routing system. She testified she had never given permission to have her access number changed. After she learned the number was an internet access number she had her computer inspected to determine if the number had been a backup number programmed into her computer. The technician told her (909) 372-9093 was not programmed in her computer.

Defendant's witness testified that defendant forwarded this complaint to its Database Management (DBM) Department to check on the routing of the disputed calls. The DBM Department determined that: (i) Verizon's switch handled these calls correctly; and (ii) there is no evidence that Verizon rerouted these calls to a different number.

Defendant's witness testified that a representative from Verizon's Customer Sales and Solutions Center (CSSC) spoke with a representative from AOL regarding the disputed calls. The AOL representative confirmed that the telephone number for the disputed calls (909-372-9093) is an AOL internet access number. The AOL representative advised the CSSC representative that this access number had to be manually selected by the customer in order for it to be accessible. Accordingly, Verizon claims it correctly handled and billed the

disputed calls and it should not be compelled to credit complainant's account for the charges associated with those calls.

The evidence is persuasive that complainant did not make any calls to (909) 372-9093; nor did she authorize the number's use; nor did she manually select the number. The number was not programmed into her computer. Verizon's hearsay statement that it routed these calls correctly is not persuasive. Verizon benefits financially and substantially from the local toll calls, AOL does not, nor does complainant. We give no weight to the hearsay statement that the access number had to be manually selected by the customer. Additionally, the call frequency, duration, and times do not fit typical internet access call patterns.

O R D E R

IT IS ORDERED that:

1. Verizon California, Inc. shall credit the account of Priscilla A. Ferreri with \$40.23 and shall cancel the charge of \$177.81.
2. The money on deposit with the Commission shall be disbursed to complainant.
3. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.